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News for Immediate Release

June 20, 2017

Auditor General DePasquale Applauds Accreditation Commission for Requiring Law Enforcement to Properly Handle Untested Rape Kits

Calls again for General Assembly to appropriate necessary funding to end Pennsylvania's backlog

HARRISBURG – Auditor General Eugene DePasquale today commended a statewide police accreditation commission for following a recommendation from his 2016 special report on untested rape kits.

The Pennsylvania Chiefs of Police Association's Pennsylvania Law Enforcement Accreditation Program commissioners now mandates that local law enforcement agencies must comply with the requirements of the Sexual Assault Testing and Evidence Collection Act (Act 27 of 2015) to qualify for accreditation.

"The commissioners' action is exactly what I recommended in [my September 2016 special report](#)," DePasquale said. "I could not be more pleased. Following my recommendations is one important way we can help rape victims find justice."

To receive accreditation or reaccreditation, agencies must:

- pick up all rape kits in their jurisdiction within 72 hours,
- properly store kits that have not yet received consent for testing for up to two years,
- send kits that have received consent for testing to be tested within 15 days, and
- annually report its number of backlogged rape kits to the Department of Health (DOH).

DePasquale pointed out that this is not the first recommendation from the report that has been followed: DOH established a memorandum of understanding with Pennsylvania State Police to gather annual backlog data, fulfilling the recommendation for DOH to work more closely with law enforcement associations such as PSP to establish effective communication of Act 27's requirements. The result was [a 108 percent increase in compliance](#) with Act 27's reporting requirement.

Time for General Assembly to act

"Now it is time for the General Assembly to step up," DePasquale said. "The state's three public crime labs are hurting tremendously for enough resources to handle their caseloads.

"These labs must have additional funding so that they can have enough staff and sufficient technological equipment to make sure these kits are tested in a timely manner," DePasquale continued. "It's budget season. Let's talk about finding at least \$1.5 million to help clear the backlog and discuss what's needed to prevent another from occurring."

About accreditation in PA

More than 100 law enforcement agencies are accredited by the Pennsylvania Chiefs of Police Association's Pennsylvania Law Enforcement Accreditation Program. More than half of all police officers in the commonwealth work in an accredited department.

Overall, police departments that are accredited have a higher level of training and compliance.

To maintain accreditation, departments must be assessed every three years for compliance with more than 100 standards, including the use of force and Megan's Law.

The Act 27 standard was added in April 2017.

Encouraging other states to act

DePasquale recently sent letters to all state auditors nationwide encouraging them to become involved in their states' efforts to ascertain the size of their backlog of untested rape kits and determine what resources are needed to ensure timely testing of those kits.

"We've seen positive change in Pennsylvania when it comes to getting these kits tested, partly because I continue to push on this issue," DePasquale said. "I'd love to see more state auditors become involved in effecting change on this important topic.

"I'll say it again: One backlogged kit is too many. Rape victims deserve the opportunity to find justice and peace."

Change.org petition approaches 100,000

In January 2017, [DePasquale began working with then-11-year-old Madison Wertz](#), a sixth-grader from Williamsport who is collecting signatures on a petition to create a sustainable funding stream to test the backlogged kits. The pair began a nationwide online petition at [Change.org](#) calling for all states to fund testing of their backlogged rape kits.

That petition has collected 98,068 signatures and continues to raise awareness of the nationwide backlog of kits, which the federal government estimates is in the hundreds of thousands, according to national nonprofit the [Joyful Heart Foundation](#).

"Madison continues to work diligently toward collecting signatures for both her own petition and for our joint nationwide petition," DePasquale said. "Both of us remain committed to keeping this issue in the public eye until the problem is resolved."

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EDITOR'S NOTE: Attached are the 10 recommendations from the [2016 Untested Rape Kits special report](#).

10 recommendations from Auditor General DePasquale's 2016 Untested Rape Kits special report

1. The state should provide funding to pay for more resources, such as staff members and technological equipment, to ensure all backlogged rape kits are tested within the three-year timeframe and to ensure future kits can be tested within six months of submission.
2. The state should appropriate funding so that the Department of Health can provide more resources to gather the data on backlogged rape kits as required annually by Act 27.
3. Pennsylvania State Police, Philadelphia Office of Forensic Science and Allegheny County Office of the Medical Examiner should continue to search and apply for federal funding to help pay for sufficient staff and adequate technological equipment to ensure all backlogged rape kits are tested within the three-year timeframe and to ensure future kits can be tested within six months of submission.
4. Minority and majority members of the House and Senate Judiciary and Health committees; representatives from the state Department of Health, Pennsylvania State Police, Philadelphia Office of Forensic Science, the Allegheny County Office of the Medical Examiner; and other stakeholder groups as needed should form a commission that meets to discuss exactly what resources and funding need to be made available for all state and local agencies to fully comply with Act 27's requirements. The commission should produce a report of its results to present to the General Assembly by Feb. 1, 2017.
5. DOH should establish a hotline for hospitals to call if a rape kit is not picked up within the specified time period of 72 hours. Information about calls to that hotline should be shared with appropriate local law enforcement agencies and with the Pennsylvania Chiefs of Police Association to encourage increased compliance.
6. DOH must work more closely with law enforcement associations such as Pennsylvania State Police and the Chiefs of Police Association to establish regular, effective communication of Act 27's requirements.
7. The state should explore penalties — such as withholding of state aid, if applicable — for those law enforcement agencies that do not comply with Act 27's requirements.
8. The General Assembly should amend Act 27 to clarify ambiguous language such as “as soon as practical” and “if possible.”
- 9. The Pennsylvania Law Enforcement Accreditation Program commissioners should revise accreditation standards to include complying with Act 27 as a requirement for accreditation or reaccreditation.**
10. Local law enforcement agencies must cease sending all kits regardless of victim consent to crime labs for testing and instead send only those rape kits that have received written victim consent to test.